

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

DAVID MARKWOOD )  
 )  
v. ) NO. 2:03-CV-323  
 )  
DARRELL GREEN, SR., *ET AL.* )

**ORDER**

This civil rights suit filed pursuant to 28 *U.S.C.* § 1983 is before the Court to consider a Report and Recommendation of the United States Magistrate Judge. The plaintiff has filed no objection to this report.

After careful consideration of the Report and Recommendation of the United States Magistrate Judge, [Doc. 52], it is hereby **ORDERED** that the Report and Recommendation is **ADOPTED** and **APPROVED**, and that the defendants' motions for summary judgment are **GRANTED**, and that all the plaintiff's federal claims against the defendants are **DISMISSED**. [Docs. 17, 18, and 24].

The Sixth Circuit has recognized a general rule disfavoring a district court's exercise of pendent jurisdiction when federal issues are dismissed before trial. *Gaff v. FDIC*, 814 F.2d 311, 319 (6th Cir.1987). The Court finds that there is no reason presented in this case to warrant a departure from that general rule,

and that based upon "judicial economy, convenience, fairness, and comity," that this Court should not exercise pendent jurisdiction of these claims.

*Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988). Accordingly, the Court declines to exercise pendent jurisdiction of the plaintiff's state law claims, and it is hereby **ORDERED** that these state law claims are **DISMISSED** **WITHOUT PREJUDICE**.

ENTER:

s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE